

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

DR 1998-094581

02/14/2003

HON. DAVID K. UDALL

CLERK OF THE COURT
M. Scott
Deputy

000599001700

IN RE THE MARRIAGE OF
ANTHONY JOSEPH BERNOT JR.

FILED: 02/27/2003

ANTHONY JOSEPH BERNOT JR.
1927 E HAMPTON #222
MESA AZ 85204-0000

AND

STACEY DAWN JOHNSON

STACEY DAWN JOHNSON
360 E BARBARITA
GILBERT AZ 85234-4568

DOCKET-FAMILY COURT-SE
EXPEDITED SERVICES-SE
SUPPORT SERVICES-SE

MINUTE ENTRY

10:33 a.m. This is the time set for Evidentiary Hearing regarding Mother's Petition to
Modify Child Parenting Time and Child Support in this matter.

Petitioner/Father, Anthony Joseph Bernot, is present on his own behalf.

Respondent/Mother, Stacey D. Johnson, is present on her own behalf.

A record of the proceeding is made by videotape in lieu of a court reporter.

The parties are sworn.

Stacey Johnson testifies.

Anthony J. Bernot testifies.

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The Court takes this matter under advisement.

11:00 a.m. Hearing concludes.

LATER:

This matter has been under advisement following an Evidentiary Hearing held on February 14, 2003.

The Court having considered all the evidence presented and the arguments of the parties, makes the following findings and enters the following Orders:

The Court finds that there is one minor child common to the parties; namely, Taylor Bernot, born November 29, 1996.

The Court finds that Father has not exercised visitation according to the current visitation schedule. The Court further finds that there have been times when Father's parenting time has been canceled. The Court further finds that the child has been moved from place to place. The Court finds that it would be in the best interest of the child to have a more stable visitation schedule. Accordingly,

IT IS ORDERED that Father shall have parenting time with the child every other weekend from Friday at 3:30 p.m. until Sunday at 6:30 p.m. In addition, in the alternate week when Father does not have visitation, Father shall have parenting time on Wednesday, overnight, from 3:30 p.m. until Thursday morning at 8:00 a.m. or until the child needs to be dropped off at daycare or school.

With respect to holiday visitation,

IT IS ORDERED that the following schedule be implemented:

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New Year's Eve: From 8:00 a.m. until the following morning at 8:00 a.m., New Year's Day, with Mother in the odd-numbered years and Father in the even-numbered years.

New Year's Day: From 8:00 a.m. until 8:00 p.m., with Father in the odd-numbered years and Mother in the even-numbered years.

Spring Break or Fall Break: Shall be divided equally between the parties.

Easter: From 8:00 a.m. until the following morning, Father shall have the child in the odd-numbered years and Mother in the even-numbered years.

MLK Day: Father shall have the child in the even-numbered years and Mother in the odd-numbered years.

President's Day: Mother shall have the child in the even-numbered years and Father in the odd-numbered years.

Mother's Day: From 9:00 a.m. until 6:00 p.m. The child shall be with Mother every year.

Memorial Day: From 9:00 a.m. until 6:00 p.m., the child shall be with Mother in the odd-numbered years and with Father in the even-numbered years.

Father's Day: From 9:00 a.m. until 6:00 p.m., the child shall be with Father every year.

July 4th Holiday: From 9:00 a.m. until the following morning, the child shall be with Father in the odd-numbered years and with Mother in the even-numbered years.

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Labor Day: From 6:00 a.m. until 6:00 p.m., the child shall be with Mother in the even-numbered years and with Father in the odd-numbered years.

Halloween: The child shall be with Mother in the odd-numbered years and with Father in the even-numbered years.

Thanksgiving Day: From 9:00 a.m. until the following morning, with Father in the odd-numbered years and Mother in the even-numbered years.

Christmas Eve: From 6:00 p.m. until 11:00 a.m. on December 25th, with Father in the odd-numbered years and with Mother in the even-numbered years.

Christmas Day: From 11:00 a.m. until 6:00 p.m. on December 26th, with Father in the even-numbered years and with Mother in the odd-numbered years.

Mother's birthday: every year with Mother.

Father's birthday: every year with Father.

Child's birthday: Mother shall have the child, primarily, in the even-numbered years and Father in the odd-numbered years.

IT IS FURTHER ORDERED that each party shall have two weeks of uninterrupted parenting time each summer.

IT IS FURTHER ORDERED that Father shall select his two-week summer visitation time first, in the odd-numbered years. He shall give Mother written notice of the dates he intends to exercise the summer visitation no later than May 1st of each year. Mother shall select her two-week summer visitation time first, In the even-numbered years. She shall provide the dates to Father in writing by May 1st of that year.

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IT IS FURTHER ORDERED that Father shall have telephone access with the minor child every Monday and Thursday evening between 7:00 p.m. and 7:30 p.m.

IT IS FURTHER ORDERED that Mother shall make the child available for Father's telephone contacts and that she shall not interfere, record or manipulate those calls in any way.

The Court makes the findings set forth in the written Child Support Worksheet and Child Support Order prepared and filed by the Court. Pursuant thereto,

IT IS ORDERED that Father shall pay to Mother as support for the minor child the sum of \$303.55 per month, effective March 1, 2003. All payments shall be paid through the Support Clearinghouse by Automatic Wage Assignment. The Court enters an Order of Assignment as to Mother for \$303.55 per month.

To arrive at these calculations, the Court has attributed to Father \$1,941 per month gross monthly income and Mother with \$1,733 per month. The Court credits Father with \$166 per month payment for medical insurance coverage and credits Mother with \$225 per month day care expenses. The Court credits Father with 76 days of visitation allowance.

IT IS ORDERED referring this matter to Expedited Services for arrearage calculation and a recommendation of monthly arrearage payment.

IT IS FURTHER ORDERED that the parties shall comply with all orders and instructions of Expedited Services.

The Court finds that pursuant to the parties' Decree of Dissolution, Father was responsible to pay 58% of the daycare expenses and medical expenses not covered by insurance. The Court finds that there are medical bills for the minor child in the amount of \$639.18. Father's 58% share is \$370.72. Accordingly,

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IT IS ORDERED that Father shall pay \$370.72 to Mother for reimbursement of medical expenses incurred on behalf of the minor child.

The Court further finds that there are bills for daycare expenses totaling \$1,400. Father's share (58%) is \$812. Accordingly,

IT IS ORDERED that Father shall pay to Mother \$812 for reimbursement of daycare expenses incurred on behalf of the child.

IT IS ORDERED that Judgment be entered in favor of Mother and against Father in the amount of \$1553.44 (\$370.72 + \$812.00), plus interest, at the rate of 10% per annum as allowed by law.

IT IS FURTHER ORDERED that Father shall be entitled to claim the child as a dependent for income tax purposes in the odd-numbered years and Mother in the even-numbered years. Father's entitlement to claim the child is contingent upon his being current in the payment of child support by December 31st of each year. If Father is not current, then Mother is entitled to claim the child in that specific year.

The Court makes the findings necessary pursuant to Rule 58(d) Arizona Rules of Civil Procedure and signs this minute entry as the formal written Order of the Court.

February 26, 2003

Date

/S/ HON. DAVID K. UDALL

JUDICIAL OFFICER OF THE SUPERIOR COURT

Filed: Child Support Worksheet, Child Support Order, Order of Assignment, and Current Employer Information Form (with attached paystub)